



IAW  
Docket No. 2551-1-001N

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Hassan Ahmad &  
Ismail Elchagea

EXAMINER: McCormick Ewoldt, Susan Beth

SERIAL NO.: 10/662,777

ART UNIT: 1654

FILED: September 12, 2003

FOR: BOTANICAL DRUG COMPOSITIONS FOR TREATMENT OF  
LIVER AND IMMUNOLOGICAL DISORDERS

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 9, 2006.

Loretta Kavanagh

Name of person depositing

Loretta Kavanagh 8/9/06

Signature of person signing Certificate

INTERVIEW SUMMARY

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

Sir:

A Non-final Office Action for the above-noted application was mailed on May 19, 2006. Following receipt of this Office Action, Applicants' representative, Dr. Veronica Mallon, requested a telephonic interview with the Examiner. Such telephonic interview transpired with Examiners Susan Ewoldt McCormick and Christopher R. Tate on June 28, 2006. Drs. Hassan Ahmad and Ismail Elchagea were also included in the telephonic interview.

During the interview, Dr. Mallon provided a summary of what Applicants believe to be the differences between the references cited in the Office Action (Kandil and

Medenica) and the present invention as claimed. More specifically, Drs. Hassan Ahmad and Ismail Elchagea pointed out to the Examiner the fact that the compositions as claimed were prepared by a different process and that the present compositions comprise a buffered aqueous extract of the plants disclosed in the application. Examiner Tate indicated that these differences may be used to differentiate over the cited references by amending the claims to be in product by process format. Dr. Mallon suggested amending the claims to recite "...a buffered aqueous extract of ..." and Drs. Ahmad and Elchagea agreed that this change was acceptable to them. Dr. Mallon also confirmed that there was support for "a buffered aqueous extract" in the application as filed. Examiner Tate also noted that the indications for which the compositions are to be used should be included in the amended claims. Also, Examiner Tate asked that the claim be amended to read on *Nigella sativa* alone and asked that the language be retained as related to the concentration being not less than 20% weight per volume. Applicants were in agreement with these requests.

Applicants' representative asked whether a draft of the claims should be forwarded by facsimile for review before filing the response. Examiner Tate noted that it was not necessary to do so, and that if any further amendments needed to be made to further clarify the claims, the Examiner will work with us on such amendments. Applicants' representative then noted that the response to the Office Action would include the amendments to the claims noted above in order to differentiate the composition of Applicants from the references cited. Applicants and Applicants' representative respectfully thanked the Examiners for their time and further consideration of the pending application.

### ***Fees***

It is believed that no fees are necessary in connection with this submission. However, if any fees are due, authorization is hereby given to charge Deposit Account No. 11-1153 for any underpayment.

*Conclusion*

Based on the foregoing discussion, Applicants submitted a response to the outstanding Office Action on June 30, 2006 and will wait for further and favorable action on the merits of the present application.

Respectfully submitted,



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